

Responses to Senator Ron Wyden

Questions for the Record for Thomas Perrelli

My state, Oregon, has twice voted on ballot measures on physician aid in dying. I opposed these measures as a private citizen and Oregon voter. However, my Senate seat does not give me the authority or the right to substitute my personal beliefs for judgments made twice by the people of Oregon, and as a Senator, I have fought to protect the decision of Oregonians on their right to make decisions around the end of life.

You represented Michael Schiavo, the husband of Terri Schiavo, in a case that also dealt with the government's role in end-of-life decisions. I objected to efforts by Congress to intervene in that case and to give the federal judiciary jurisdiction over a decision that traditionally has been reserved to the states. I have deep concerns regarding the potential authority of courts, legislative bodies, or government agencies to dictate such personal, moral questions.

If you are confirmed as Associate Attorney General, what principles would you use in deciding whether the Department of Justice should get involved in litigation over end-of-life decisions?

If confirmed as Associate Attorney General, I would apply the same principles in that context as I would in any other. The obligation of the Department of Justice is to represent the interests of the United States, and its powers should be invoked only when an interest of the United States is at stake.

Do you believe that current laws on end-of life decision-making give courts an appropriate authority over end-of-life issues, or do you believe there should be certain limitations on the availability of litigation in such matters?

It is my understanding that when a competent adult's wishes regarding end-of-life issues are unknown, most states provide some type of judicial process that attempts to ensure that the individual's wishes are determined and carried out in a manner consistent with state law. I am unaware of any reason to believe that such state processes are inadequate.

Would you advocate any changes in Federal law that would impact end-of-life decision-making?

In general, this has been an area governed by state law. I have no plans to advocate for changes to federal law that would override state efforts in this area.

Would you advocate any changes in Federal law that would preempt, restrict, or in any way interfere with Oregon's Death with Dignity law?

I have no plans to advocate for such changes, unless there was a law, regulation, or Executive Order of the President or Attorney General proposed for which I believed there were reasonable arguments in support of its constitutionality.